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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

In re J.P., a Person Coming Under the  
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

J.P.

Defendant and Appellant.

F056351

(Super. Ct. No. JW117847-00)

**OPINION**

**THE COURT\***

APPEAL from a judgment of the Superior Court of Kern County. Jon Edward Stuebbe, Judge.

Arthur Lee Bowie, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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\* Before Wiseman, Acting P.J., Cornell, J., Hill, J.

On May 29, 2008, a juvenile wardship petition (Welf. & Inst. Code, § 602) was filed in which it was alleged that appellant, J.P., a minor, committed reckless and malicious possession of a destructive device or explosive near a public building (Pen. Code, § 12303.2; count 1) and unlawful possession of a destructive device (Pen. Code, § 12303; count 2). On August 5, 2008, following the contested jurisdiction hearing, the juvenile court found the count 1 allegation true, and dismissed the count 2 allegation pursuant to Welfare and Institutions Code section 701.1. On August 19, 2008, following the disposition hearing, the juvenile court adjudged appellant a ward of the court, placed him on probation for a period not to exceed five years and ordered that he complete 128 hours in the Juvenile Court Work Program.

Appellant's appointed appellate counsel has filed an opening brief, which summarizes the pertinent facts, with citations to the record, raises no issues, and asks that this court independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) Appellant has not responded to this court's invitation to submit additional briefing.

### **FACTS**

On February 21, 2008 (February 21), at approximately 5:00 p.m., Gilbert Tate, a loss prevention officer employed by Save Mart, testified he was in the parking lot of a Save Mart store when he observed the following. Appellant and another boy were in the parking lot, approximately 30 feet away from the store. It appeared that appellant "was pouring stuff" into a one-liter soft drink bottle. At some point thereafter, appellant's companion threw the bottle, and "[a] few seconds later it exploded."

City of Bakersfield Police Officer Amy Davis testified to the following. On February 21 at approximately 7:43 p.m., she made contact with Tate, who showed her where he had seen the explosion. There, she found aluminum foil, a plastic bottle and "[d]ebris from the explosion." There was acid on the ground, and Kevin Beahm of Kern County Environmental Health Services (KCHS) arrived on the scene and cleaned it up.

Beahm testified to the following. He is a hazardous materials specialist, employed by KCHS. He met with Officer Davis at the scene, and she “showed [him] the residue ... in the parking lot,” which included a plastic soft drink bottle and “liquid in puddle form in various locations around the bottle.” A chemical test revealed the liquid was “very acidic.” Acid can be dangerous, depending on its concentration. It can be “corrosive to skin” and if it makes contact with the eye can “damage” the eye.

City of Bakersfield Police Officer Ryan Slayton testified to the following. He is a “bomb squad technician.” He heard Boehm’s testimony and reviewed various materials, including photographs taken at the scene, and concluded the bottle found there was a “chemical-reaction bomb/destructive device.” Although the bomb caused no “physical damage,” such a bomb is potentially dangerous because the makers of the bomb “have zero control about when it explodes .... It could be a minute; it could be three seconds. So if somebody could walk by, a little kid could walk by, that’s the potential damage.”

### **DISCUSSION**

Following independent review of the record, we have concluded that no reasonably arguable legal or factual issues exist.

### **DISPOSITION**

The judgment is affirmed.